

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference JNR/PB60448	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/GB2005/000926	International filing date (<i>day/month/year</i>) 10/03/2005	(Earliest) Priority Date (<i>day/month/year</i>) 10/03/2004
Applicant GLAXO GROUP LIMITED		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 12 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☒ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 3e

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/GB2005/000926

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: **155-157**
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 155-157

Claims 155-157 are referring solely on the figures, and do not have any technical features as such. Therefore no meaningful search can be carried out for said claims (Article 6 PCT).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-42,72-78

An inhaler with a closure having a restricting member for preventing unintentional actuation of the inhaler.

2. claims: 43-51,89-91

Inhaler with a housing an a closure with an extendible connector part.

3. claims: 52-61

An inhaler with a restricting member fastened to the canister unit.

4. claims: 62-70

An inhaler with a restricting member which is inserted between the dispensing member and the housing.

5. claim: 71

An inhaler with a restricting means which restricts movement between the dispensing member and the housing and prevents removal of the dispensing member from the housing.

6. claims: 79-88

An accessory for use with an inhaler, the accessory having a restricting member for preventing dispensing the dose when attached to the inhaler.

7. claims: 92-95

A connector for connecting an accessory to an inhaler, the connector having a restricting member.

8. claims: 96-133

A dispensing device with a housing and a closure comprising a cap and a feature for insuring correct orientation of the closure to the user and a closure with a cap having an extension for engaging a dispensing device and indicating incorrect orientation of the cap on the device..

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

9. claims: 134-154

A dust cap for a pMDI with a strap part, the cap being
slidable on the strap part.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB2005/000926

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61M15/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61M B65D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X ✓	US 3 622 053 A (JOHN V. RYDEN) 23 November 1971 (1971-11-23) column 3, line 20 - line 24; figure 2 abstract	1-6, 8-11, 13, 17, 26, 27, 32, 33, 72-78 22-24, 28, 30, 31
Y	WO 2004/001664 A (GLAXO GROUP LIMITED; BONNEY, STANLEY, GEORGE; BRAND, PETER, JOHN; GODF) 31 December 2003 (2003-12-31) cited in the application the whole document	22-24, 28, 30, 31
A ✓	US 3 927 806 A (MESHBERG ET AL) 23 December 1975 (1975-12-23) figure 2	1, 34-42



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

9 June 2005

Date of mailing of the international search report

29. 08. 2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Valfort, C

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB2005/000926

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A ✓	US 3 429 310 A (MARTIN A. JAFFE ET AL) 25 February 1969 (1969-02-25) the whole document	1-42, 72-78
X ✓	GB 1 044 627 A (BENGER LABORATORIES LIMITED) 5 October 1966 (1966-10-05)	1-6, 8-13, 16-21, 26,27, 32, 72-81,84
Y	the whole document	85-91, 105
X ✓	US 3 191 867 A (HELMS W. LEE) 29 June 1965 (1965-06-29)	43, 45-47, 50,51 89-91
Y	abstract; figures	
X ✓	GB 2 364 320 A (* BESPAC PLC) 23 January 2002 (2002-01-23)	43,48, 49,89,90 88
Y	page 7, line 19; figures 1,2a-2c	
X ✓	US 5 899 200 A (MCNARY ET AL) 4 May 1999 (1999-05-04)	43
Y ✓	figures	134-154
X ✓	DE 298 18 662 U1 (JOSEF WISCHERATH GMBH & CO. KG) 2 March 2000 (2000-03-02)	43,92-95
	abstract; figures	
X ✓	US 4 940 051 A (LANKINEN ET AL) 10 July 1990 (1990-07-10)	71
	column 3, line 14 - line 19; figure 1	
P,X ✓	WO 2004/064906 A (LANGFORD, STANLEY, C) 5 August 2004 (2004-08-05)	52,54, 56-58, 60,62, 69,70
P,A	abstract; figures	53,55, 59,63-68
X ✓	US 4 641 644 A (ANDERSSON ET AL) 10 February 1987 (1987-02-10)	43,44,91
	abstract; figures	
X ✓	WO 99/38555 A (GOLDSTEIN & LEWIN TECHNOLOGY GMBH; GOLDEMANN, RAUL; SCHWARZWALD, DETLE) 5 August 1999 (1999-08-05)	43,44,91
Y	page 8, line 8 - line 22; figures page 15, line 10 - line 18; figure 6	134-154
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INTERNATIONAL SEARCH REPORT

International Application No
PCT/GB2005/000926

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X P,A A E X Y X X X Y	<p>WO 2004/089782 A (S. C. JOHNSON & SON, INC; FURNER, PAUL, E; NELSON, CORY, J) 21 October 2004 (2004-10-21) paragraph '0044! - paragraph '0047!; figures</p> <p>-----</p> <p>ANONYMOUS: "Canister retention feature for inhalation device" RESEARCH DISCLOSURE, KENNETH MASON PUBLICATIONS, WESTBOURNE, GB, vol. 370, no. 34, February 1995 (1995-02), XP007120212 ISSN: 0374-4353 the whole document</p> <p>-----</p> <p>WO 2005/046774 A (ASTRAZENECA AB; BUNCE, MARTIN) 26 May 2005 (2005-05-26) abstract; figures</p> <p>-----</p> <p>US 3 549 055 A (LAWRENCE O. GATLAND) 22 December 1970 (1970-12-22) column 3, line 35 - line 40; figure 1</p> <p>-----</p> <p>WO 91/06333 A (NOVO NORDISK A/S) 16 May 1991 (1991-05-16) abstract; figure 1</p> <p>-----</p> <p>US 3 826 413 A (WARREN W,GB) 30 July 1974 (1974-07-30) figure 1</p> <p>-----</p> <p>WO 97/06842 A (PHARMASOL LIMITED; OPPERMAN, NICHOLAS, RICHARD, JAMES) 27 February 1997 (1997-02-27) page 5, last paragraph; figures 1,2,5 page 8, paragraph 1</p> <p>-----</p>	<p>52,54, 57,58, 62,69,70 53,55, 59,63-68</p> <p>52-70</p> <p>134-154</p> <p>96-104, 106-112 105</p> <p>96,110, 112</p> <p>96, 110-112</p> <p>52,54, 57,58,62</p> <p>85-87</p>

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